

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

Case No. 13-cv-14695
Hon. Matthew F. Leitman

v.

MATT MACAULEY,

Respondent.

/

**ORDER SETTING SETTLEMENT CONFERENCE, STAYING
CONDITIONAL WRIT OF HABEAS CORPUS, AND STAYING
DEADLINES FOR RESPONSES TO PENDING MOTIONS**

On June 28, 2021, this Court entered an Opinion and Order in which, among other things, it granted a conditional writ of habeas corpus to Petitioner Omar Pounchy on one of Pounchy's claims and denied relief on the remainder of his claims. Since the entry of the Court's order, Pounchy has filed a motion for reconsideration (ECF No. 404) (with two additional supplements to that motion), a motion to stay the remainder of his state sentence (ECF No. 413), and a motion for clarification (ECF No. 414). Also since the entry of the Court's order, Respondent has filed a Notice of Appeal (ECF No. 409).

On August 9, 2021, the Court held an on the record status conference with counsel for Pounchy and for Respondent. During the conference, the Court discussed with counsel a plan for moving the case forward to completion, the possibility of a

stay of the Court's conditional writ of habeas corpus, and how to proceed on the pending motions. After substantial discussion, the parties agreed to proceed as follows (and pursuant to that agreement, the Court orders that the action will proceed as follows):

- On September 9, 2021, the Court will hold an in-person settlement conference at the Federal Courthouse in Flint, Michigan. Pouncy shall attend in person (the Court will enter the appropriate writ/order compelling his attendance). Counsel for Pouncy shall also attend in person. In addition, counsel for Respondent shall attend along with a representative of the Genesee County Prosecutor's Office with full authority to settle the case. The conference shall begin at 9:30 a.m.
- The conditional writ of habeas corpus is STAYED until the September 9, 2021, conference. If the case does not settle at the conference, the Court will extend this stay for a reasonable period of time to (1) give Respondent an opportunity to file a formal motion for a full stay of the writ, (2) give Pouncy an opportunity to respond to such a motion, and (3) give the Court an opportunity to rule on such a motion.
- Respondent need not respond to any of the above-identified motions at this time. If the case does not settle at the September 9, 2021, conference, the Court will set a reasonable briefing schedule for Respondent to file responses and for Pouncy to file replies.

- In preparation for the settlement conference, Pouncy and Respondent may (but are not required to) provide the Court with a settlement statement outlining, among other things, the progress and status of the negotiations, areas of potential compromise, and thoughts concerning how to make the negotiations most productive. Any such statement shall be submitted by email to the Court's Case Manager, Holly Monday, by twelve noon on September 7, 2021.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 9, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 9, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764